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ILLINOIS INDUSTRIAL UNIVERSITY.

14

LAWS OF CONGRESS.

AN ACT donating Public Lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several states, for the purpose hereinafter mentioned, an amount of public land, to be apportioned to each state, in quantity equal to 30,000 acres for each senator and representative in Congress to which the states are respectively entitled by the apportionment under the census of 1860; *Provided,* That no mineral lands shall be selected or purchased under the provisions of this act.

§ 2. *And be it further enacted,* That the land aforesaid, after being surveyed, shall be apportioned to the several states in sections or subdivisions of sections not less than one-quarter of a section; and wherever there are public lands in a state, subject to sale at private entry, at one dollar and twenty-five cents per acre, the quantity to which said state shall be entitled, shall be selected from such lands, within the limits of such state; and the secretary of the interior is hereby directed to issue to each of the states, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said state may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrips to be sold by said states, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided,* That in no case shall any state to which land scrip may thus be issued, be allowed to locate the same within the limits of any other state, or of any territories of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty five cents an acre. *And provided further,* That not more than one million acres shall be located by such assignees in any one of the states. *And provided further,* That no such locations shall be made before one year from the passage of this act.

§ 3. *And be it further enacted,* That all the expenses of management and superintendence and taxes from date of selection of said lands, previous to their sale, and all expenses incurred in the manage-

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ment and disbursement of the moneys which may be received therefrom, shall be paid by the states to which they may belong, out of the treasury of said states, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned.

§ 4. *And be it further enacted*, That all moneys derived from the sale of lands aforesaid, by the states to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the states, or some other safe stocks, yielding not less than five per cent. upon the par value of said stocks; and that the money so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act,) and the interest of which shall be inviolably appropriated by each state, which may take and claim the benefit of this act, to the endowment, support and maintenance of, at least, one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

§ 5. *And be it further enacted*, That the grant of land and scrip hereby authorized, shall be made on the following conditions, to which, as to the provisions hereinbefore contained, the previous assent of the several states shall be signified by legislative acts:

First—If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action, or contingency, be diminished or lost, it shall be replaced by the state to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any state under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said states.

Second—No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, for the purchase, erection, preservation or repair of any building or buildings.

Third—Any state which may take and claim the benefit of the provisions of this act, shall provide, within five years, at least not less than one college, as prescribed in the fourth section of this act, or the grant to such state shall cease; and said state shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the state shall be valid.

Fourth—An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including state industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colle-

ges which may be endowed under the provisions of this act, and also one copy to the secretary of the interior.

Fifth—When lands shall be selected from those which have been raised to double the minimum price in consequence of railroad grants, they shall be computed to the state at the *maximum price, and the number of acres proportionally diminished.*

Sixth—No state, while in a condition of rebellion or insurrection against the government of the United States, shall be entitled to the benefits of this act.

Seventh—No state shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its legislature within two years from the date of approval by the President.

§ 6. *And be it further enacted*, That land scrip issued under the provisions of this act, shall not be subject to location until after the first day of January, 1863.

§ 7. *And be it further enacted*, That land officers shall receive the same fee for locating land scrip issued under the provisions of this act, as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, That maximum compensation shall not be thereby increased.

§ 8. *And be it further enacted*, That the governors of the several states to which scrip shall be issued under this act, shall be required to report annually to congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

APPROVED July, 1861.

AN ACT to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July two, eighteen hundred and sixty-two, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time in which the several states may comply with the provisions of the act of July two, eighteen hundred and sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the commissioner of the general land office: *Provided*, That when any territory shall become a state and be admitted into the Union, such new state shall be entitled to the benefits of the said act of July two, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and provi-

ding the college or colleges within five years after such acceptance, as prescribed in this act: *Provided, further,* That any state which has heretofore expressed its acceptance of the act herein referred to, shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

APPROVED July 23, 1866.

L A W S O F I L L I N O I S .

AN ACT in relation to the location of the Industrial University.

WHEREAS, each portion of the State is alike interested in the proper location of said University, and it is desirable to enable the public spirit of each community or section to fully compete for such location; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any county, city, township or incorporated town of said state, may, by taxation, as well as by voluntary subscription of its citizens raise a fund to secure the location of said University at any point whatever, and any other corporation in this state may make bids and subscription for the purpose of securing said location at any point whatever.

§ 2. That any county through its county courts or board of supervisors, and any township or town through its supervisor, assessor and collector, and any city or incorporated town through its council or board of aldermen, or other constituted authorities, as the case may be, may subscribe such sum or sums as they may deem necessary to secure such location, and to raise the amount or amounts so subscribed by taxation, or by issuing bonds payable at any seasonable or convenient time, and bearing any rate of interest not exceeding "ten per cent. per annum:" *Provided, however,* That no tax shall be levied for such purpose until the proposition so to raise a fund, together with the amount to be raised shall, after at least ten days' notice be submitted to a vote of the people so to be taxed, and be approved by a majority of the persons voting at such election: *Provided,* That the county clerk of such county shall order an election in accordance with the provisions of this act: *and provided also,* that it shall not be obligatory on any county, city or town authorities, or county clerk, as aforesaid, to submit any such proposition to a vote of the people unless at least one hundred of the legal voters of said county, city or town shall petition for the same, in which event said election or elections shall be ordered: *And provided further,* that any election heretofore held in any county, city or town for the purpose aforesaid is hereby legalized and made valid.

§ 3. The county, city or town authorities as aforesaid, are hereby invested with full power to make any and all needful orders and regulations to carry into effect the foregoing provisions, and in case of an

election being applied for, as aforesaid, it shall be the duty of said authorities to give the usual and seasonable notices, required by law, according to this act, and the end in view, and to conduct and report the same in the usual way. Such election to be conducted and return made according to the law governing elections: *Provided*, That the registry of votes used at the last general [election] shall be the registry for any election to be held under this act.

§ 4. This act shall be a public act, to take effect and be in force from and after its passage.

APPROVED January 25, 1867.

AN ACT to provide for the organization and maintenance of the Illinois Industrial University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the governor of this state, within ten days from the passage of this act, to appoint five trustees, resident in each of the judicial grand divisions of this state, who, together with one additional trustee, resident in each of the congressional districts of this state, to be appointed in like manner, with their associates and successors, shall be a body corporate and politic, to be styled "The Board of Trustees of the Illinois Industrial University;" and by that name and style shall have perpetual succession, have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property; to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws, and to alter or repeal the same as they shall deem necessary, for the management or government, in all its various departments and relations, of the Illinois Industrial University, for the organization and endowment of which provision is made by this act. Said appointments to be subject to approval or rejection by the Senate at its next regular session thereafter, and the appointees to be and they are hereby authorized to act as trustees as aforesaid, until their successors shall be appointed by the governor and such appointment shall be approved by the senate.

§ 2. The members of the board of trustees, and their successors, shall hold their office for the term of six years each: *Provided*, that at the first regular meeting of said board, the said members shall determine, by lot, so that, as nearly as may be, one-third shall hold their office for two years, one-third for four years, and one-third for six years from the first day of said meeting. The governor, by and with the advice and consent of the senate, shall fill all vacancies which may at any time occur by expiration of term of office, or otherwise, in said board, by appointment of suitable persons resident in the respective grand divisions and congressional districts in which such vacancies may occur. Said board of trustees may appoint an executive committee of their own number, who, when said board is not in session, shall have the management and control of the same, and for that purpose have and

exercise all the powers hereby conferred on said board which are necessary and proper for such object.

§ 3. In case the board of trustees shall at any time determine to establish a branch or department of said university at any points elected by them, such branch or department shall be under the control of the members of said board residing in the grand division and congressional district where said branch shall be located, unless otherwise ordered by said board of trustees: *Provided*, That no portion of the funds resulting from the congressional grant of land for the endowment of said university, or from any donation now or hereafter to be made by the county, city or town at or near which university is located; and no portion of the interest or proceeds of either of said funds shall ever be applied to the support of any branch or department located outside of the county wherein said university is located by this act.

§ 4. The first regular meeting of the board of trustees shall be held at such place as the governor may designate, on the second Tuesday in March, A. D. 1867, at which meeting they shall elect a regent of the university, who, together with the governor, superintendent of public instruction and president of the state agricultural society, shall be, *ex officio*, members of said board of trustees. Said regent, if present, shall preside at all meetings of the board of trustees and of the faculty, and shall be charged with the general supervision of the educational facilities and interests of the university. His term of office shall be two years, and his compensation shall be fixed by the board of trustees.

§ 5. At the first, and at each biennial meeting thereafter, it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bonds, with such security as the board of trustees shall deem amply sufficient to guard the university from danger of loss or diminution of the funds intrusted to his care. The trustees may appoint, also, the corresponding secretary, whose duty it shall be, under the direction or with the approval of the trustees, to issue circulars, directions for procuring needful materials for conducting experiments, and eliciting instructive information from persons in various counties, selected for that purpose, and skilled in any branch of agricultural, mechanical and industrial art; and to do all other acts needful to enable him to prepare an annual report regarding the progress of the university, in each department thereof—recording any improvements and experiments made, with their costs and results, and such other matters, including state, industrial and economical statistics, as may be supposed useful; not less than five thousand copies of which reports shall be published annually, and one copy be transmitted by said corresponding secretary, by mail, free, to each of the other colleges endowed under the provisions of an act of Congress, approved July 2, 1862, entitled "An act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts; one copy to the United States Secretary of the Interior; and one thousand copies to the Secretary of State of this state, for the state library, and for distribution among the members of the General Assembly. Also, a recording secretary, whose duty it shall be to keep faithful record of the transactions of the board of trustees,

and prepare the same for publication in said annual report. The said treasurer, corresponding and recording secretaries to receive such compensation as the trustees may fix, and to be paid in the same manner as the teachers and other employees of the university are paid.

§ 6. No money shall be drawn from the treasury of the university, except by order of the board of trustees, on warrant of the regent, drawn upon the treasurer, and countersigned by the recording secretary.

§ 7. The trustees shall have power to provide the requisite buildings, apparatus and conveniences; to fix the rates for tuition; to appoint such professors and instructors, and establish and provide for the management of such model farms, model art, and other departments and professorships, as may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies. They may accept the endowments of voluntary professorships or departments in the university, from any person or persons or corporations who may proffer the same, and, at any regular meeting of the board, may prescribe rules and regulations in relation to such endowments, and declare on what general principles they may be admitted: *Provided*, That such special voluntary endowments or professorships shall not be incompatible with the true design and scope of the act of Congress, or of this act; and they shall, as far as practicable, arrange all the regular and more important courses of study and lectures in the university, so that the students may pass through and attend upon them during the six autumn and winter months, and be left free to return to their several practical arts and industries at home during the six spring and summer months of the year, or to remain in the university and pursue such optional studies or industrial avocations as they may elect: *Provided*, That no student shall at any time be allowed to remain in or about the university in idleness, or without full mental or industrial occupation: *And provided, further*, That the trustees, in the exercise of any of the powers conferred by this act, shall not create any liability or indebtedness in excess of the funds in the hands of the treasurer of the university at the time of creating such liability or indebtedness, and which may be specially and properly applied to the payment of the same.

§ 8. No student shall be admitted to instruction in any of the departments of the university who shall not have attained to the age of fifteen (15) years, and who shall not previously undergo a satisfactory examination in each of the branches ordinarily taught in the common schools of the state.

§ 9. Each county in this state shall be entitled to one honorary scholarship in the university, for the benefit of the descendants of the soldiers and seamen who served in the armies and navies of the United States during the late rebellion—preference being given to the children of such soldiers and seamen as are deceased or disabled; and the board of trustees may, from time to time, add to the number of honorary scholarships when, in their judgment, such additions will not embarrass the finances of the university; nor need these additions be confined

to the descendants of soldiers or seamen ; such scholarships to be filled by transfer from the common schools of said county, of such pupils as shall, upon public examination, to be conducted as the board of trustees of the university may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the common schools, and who shall be of good moral character, and not less than fifteen (15) years of age. Such pupils, so selected and transferred, shall be entitled to receive, without charge for tuition, instruction in any or all departments of the university for a term of at least three (3) consecutive years: *Provided*, said pupil shall conform, in all respects, to the rules and regulations of the university, established for the government of the pupils in attendance.

§ 10. The faculty of the university shall consist of the chief instructors in each of the departments. No degrees shall be conferred nor diplomas awarded by authority of the board of trustees, or of the faculty, except that the trustees, on recommendation of the majority of the faculty, may authorize the regent of the university to issue to applicants certificates of scholarship, under the seal of the university; which certificate shall, as far as practicable, set forth the precise attainments, as ascertained by special examination, of the parties applying for the same, respectively, in the various branches of learning they may have respectively studied during the attendance in the university; and every pupil who shall have attended upon instruction in the university for not less than one year, maintaining, meanwhile, a good character for faithfulness in study and correctness of deportment, and who may desire to cease such attendance, shall be entitled to receive such certificate of scholarship as is authorized by this section to be issued. All certificates of scholarships shall be in the English language, unless the pupil should otherwise prefer; and all names and terms on labels, samples, specimens, books, charts, and reports shall be expressed, as nearly as may be, in the English language.

§ 11. No member of the board of trustees shall receive any compensation for attending on the meetings of the board. At all the stated and other meetings of the board of trustees, called by the regent or corresponding secretary, or any five members of the board, a majority of the members shall constitute a quorum: *Provided*, all the members have been duly notified.

§ 12. It shall be the duty of the board of trustees to permanently locate said university at Urbana, in Champaign county, Illinois, whenever the county of Champaign shall, according to the proper forms of law, convey or cause to be conveyed to said trustees, in fee simple, and free from all incumbrances, the Urbana and Champaign Institute buildings, grounds and lands, together with the appurtenances thereto belonging, as set forth in the following offer in behalf of said county, to wit:

"The undersigned, a committee appointed by the board of supervisors of Champaign county, are instructed to make the following offer to the State of Illinois, in consideration of the permanent location of the Illinois Industrial University at Urbana, Champaign county, viz: We offer the Urbana and Champaign Institute buildings and grounds, containing about ten acres; also, one hundred and sixty acres of land

adjacent thereto; also, four hundred acres of land, it being part of section No. twenty-one, in township No. nineteen north, range No. 9 east, distant not exceeding one mile from the corporate limits of the city of Urbana.

"Also, four hundred and ten (410) acres of land, it being part of section No. nineteen, township number nineteen, range number nine east, within one mile of the buildings herein offered.

"Also, the donation offered by the Illinois Central Railroad Company of fifty thousand dollars' worth of freight over said road for the benefit of said University.

"Also, one hundred thousand dollars in Champaign county bonds, due and payable in ten years, and bearing interest at the rate of ten per cent. per annum, and two thousand dollars in fruit, shade, and ornamental trees and shrubbery, to be selected from the nursery of M. L. Dunlap, and furnished at the lowest catalogue rates, making an estimated valuation of four hundred and fifty thousand dollars (\$450,000.) Titles to be perfect, and conveyance to the state to be made or cause to be made by the county of Champaign, upon the permanent location of the Illinois Industrial University upon the said grounds, so to be conveyed as aforesaid, and we hereby in our official capacity guarantee the payment of said bonds and the faithful execution of the deeds of conveyance free from all incumbrances as herein set forth.

W. D. SOMERS,
T. A. COSGROVE,
C. R. MOORHOUSE,
Committee."

§ 13. The board of trustees shall, by and with the advice and consent of the governor and adjutant general, procure all such arms, accoutrements, books and instruments, and appoint such instructors as may, in their discretion, be required to impart a thorough knowledge of military tactics and military engineering, and they may prescribe a uniform dress to be worn by the pupils of the university.

§ 14. That upon the organization of the board of trustees and the appointment of said treasurer, and the filing with and the approval by said board of the bond of said treasurer, and all of said foregoing acts being duly certified to the governor, under the hand of said regent, countersigned by the said recording secretary, it shall then become the legal duty of said governor to deliver over to said treasurer the land scrip issued by the United States to this state, for the endowment of said university, and that thereupon it shall become the duty of said treasurer to sell and dispose of said scrip at such time, place, in such manner and quantities, and upon such terms as such board shall, from time to time, prescribe, or to locate the same as said board may direct. Said treasurer being in all respects pertaining to the sale of said scrip, and the reinvestment of the proceeds received therefor, and the securities when reinvested, subject to such order and control of said board as is not inconsistent with this act and the act of congress providing for the endowment of said university.

§ 15. That all the right, title and interest of the State of Illinois in and to said land scrip, is hereby invested in the Illinois industrial university, for the use and purposes herein contained; and said scrip shall

be assigned to said university by the governor of the state of Illinois on each certificate, and attested by the secretary of state, under the seal of the state; and that the transfer of said scrip to purchasers by assignment on the back thereof, by the said officers of said university, under the seal thereof, in manner following, shall be deemed sufficient in law, to-wit:

STATE OF ILLINOIS, }
Illinois Industrial University. } ss.

For value received, the state of Illinois hereby sells and assigns to . . . the within scrip, and authorizes . . . to locate the same, and obtain a patent on such location.

Given under our hands and the seal of said university this . . . day of . . . A. D. 186 . . .

A. B., *Regent.*

C. D., *Treasurer.*

Countersigned by

E. F., *Recording Secretary.*

§ 16. That upon said treasurer making sale of any of said scrip, he shall at once invest the funds so received, report the same to the said board, stating amount sold, price obtained and how the same was by him invested; which report shall be filed with the recording secretary, who shall transmit a copy of the same to the governor of said state, and he to the Congress of the United States, in accordance with said act of Congress.

§ 17. That the said board shall order upon its minutes which of the several kinds of securities mentioned in the fourth section of said act of congress said treasurers shall invest proceeds of sales in.

§ 18. The bond required to be given by said treasurer shall be conditioned for the faithful discharge of his duties as treasurer of the "Illinois Industrial University," and for any breach thereof suit may be instituted, in the name of the "Illinois Industrial University," and it shall be deemed a criminal offense for any person or persons holding in trust any part of the funds of said university knowingly or negligently to misapply or misappropriate the same, indictable in any court having jurisdiction, in the same manner as other crimes are punishable, by fine or imprisonment, at the discretion of the court, according to the nature of the offense.

§ 19. This act shall be a public act and take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT supplemental to an act entitled "An act to provide for the organization, endowment and maintenance of the Illinois Industrial University."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if the legal authorities of the county of Champaign shall not, by or before the first day of June, 1867, convey or cause to be conveyed, to the board of trustees of the Illinois Industrial University, by a good and unincumbered title, in fee simple,



all the real estate mentioned and contained in the propositions of said county, and which real estate is described and set out in the act to which this act is supplemental, amounting to nine hundred and eighty acres of land, and if said county shall not also pay over and deliver to said trustees by said day, all the bonds and other property offered by said county, mentioned in said act, then said board of trustees or a majority of them shall proceed without delay to permanently locate and establish said Industrial University in McLean, Logan or Morgan county; such county so selected shall in like manner be required in all things to fulfill and comply with the conditions and provisions of the offer heretofore made by such county, as an inducement for the location of said university in such county.

§ 2. This act shall be deemed a public act, and be in force from and after its approval.

APPROVED March 8, 1867.

UNITED STATES OF AMERICA, }
State of Illinois. } ss.

OFFICE OF SECRETARY.

I, Sharon Tyndale, secretary of state of the state of Illinois, do hereby certify that the foregoing are true copies of enrolled laws now on file in this office. In witness whereof I hereto set my hand and affix the great seal of state, at the city of Springfield, this 12th day of March, A. D. 1867.

SHARON TYNDALE,
Secretary of State.

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